

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

NOV 25 2008

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

DAVID J. MALAND, CLERK
BY Ba
DEPUTY

GOLDEN HOUR DATA SYSTEMS, INC., §
§
vs. §
§
EMSCHARTS, INC. ET AL. §

CASE NO. 2:06-CV-381

VERDICT FORM

QUESTION NO. 1:

Do you find by a preponderance of the evidence that Defendant emsCharts, Inc. alone directly infringes the following asserted claims of the '073 patent?

Answer "Yes" or "No" for each asserted claim.

Claim 10	<u>Yes</u>
Claim 12	<u>Yes</u>
Claim 13	<u>Yes</u>
Claim 14	<u>Yes</u>

QUESTION NO. 2:

Do you find by a preponderance of the evidence that emsCharts, Inc. and Softtech, LLC jointly infringe the following asserted claims of the '073 patent?

Answer "Yes" or "No" for each asserted claim.

Claim 1 Yes

Claim 6 Yes

Claim 7 Yes

Claim 8 Yes

Claim 15 Yes

Claim 16 Yes

Claim 17 Yes

Claim 18 Yes

Claim 19 Yes

Claim 20 Yes

Claim 21 Yes

Claim 22 Yes

QUESTION NO. 3:

Do you find by a preponderance of the evidence that emsCharts, Inc. induces the infringement of the following asserted claims of the '073 patent?

Answer "Yes" or "No" for each asserted claim.

Claim 1	<u>Yes</u>
Claim 6	<u>Yes</u>
Claim 7	<u>Yes</u>
Claim 8	<u>Yes</u>
Claim 10	<u>Yes</u>
Claim 12	<u>Yes</u>
Claim 13	<u>Yes</u>
Claim 14	<u>Yes</u>
Claim 15	<u>Yes</u>
Claim 16	<u>Yes</u>
Claim 17	<u>Yes</u>
Claim 18	<u>Yes</u>
Claim 19	<u>Yes</u>
Claim 20	<u>Yes</u>
Claim 21	<u>Yes</u>
Claim 22	<u>Yes</u>

QUESTION NO. 4:

Do you find by clear and convincing evidence that the asserted claims of the '073 patent are invalid because they are anticipated by the prior art?

Answer "Yes" or "No" for each asserted claim.

Claim 1	<u>No</u>
Claim 6	<u>No</u>
Claim 7	<u>No</u>
Claim 8	<u>No</u>
Claim 10	<u>No</u>
Claim 12	<u>No</u>
Claim 13	<u>No</u>
Claim 14	<u>No</u>
Claim 15	<u>No</u>
Claim 16	<u>No</u>
Claim 17	<u>No</u>
Claim 18	<u>No</u>
Claim 19	<u>No</u>
Claim 20	<u>No</u>
Claim 21	<u>No</u>
Claim 22	<u>No</u>

If you have answered "yes" to any of the claims in question numbers 1, 2 OR 3, then answer questions 5 AND 6. Otherwise, do not answer the following two questions. The jury foreperson should instead sign and date the Verdict Form and return it to the Security Officer.

QUESTION NO. 5

Do you find by clear and convincing evidence that emsCharts' conduct was willful.

Yes, or No. Yes

QUESTION NO. 6:

What sum of money, if any, if paid now in cash, would fairly and reasonably compensate the plaintiff for any infringement you have found?

Answer in dollars and cents, if any, for any price erosion.

Answer: 0

Answer in dollars and cents, if any, for a reasonable royalty.

Answer: 3,500,000.00

Signed this 25 day of November, 2008.

JURY FOREPERSON